APPENDIX A

[Filed January 2, 1975]

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

No. 75-1061

UNITED STATES OF AMERICA, *Petitioner*,

v.

U. S. DISTRICT COURT FOR HAWAII, *Respondent*,
KURT BOYER, ET AL., *Real Parties in Interest*.

Order

Before: KOELSCH and WRIGHT, Circuit Judges.

On consideration of the petition for writ of mandamus filed herein on January 10, 1975, it is

ORDERED that said Petition be and is DENIED.

APPENDIX B

[Filed February 13, 1975]

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

No. 75-1061

[Caption omitted in printing]

Order

Before: KOELSCH and WRIGHT, Circuit Judges.

Through inadvertence, the court on January 22, 1975, caused to be entered an order peremptorily denying the Petition of the United States for writ of mandate.

Accordingly, said order is vacated and annulled, and the court now makes this order:

Upon due consideration of the Petition of the United States of America for a writ of mandate, it is hereby ORDERED:

(1) That the clerk shall serve a copy of this order upon the interested district court judge and all parties to the action below. Such service shall be made by mail, and service on the parties may be effected by mailing copies of the parties' attorneys of record in the district court.

(2) Answers to the petition will be filed according to the provisions of Rule 21(b), Fed. R. App. P., and they will be filed within 14 days of the date this order is entered.

(3) Petitioner may file, within 28 days of the date this order is entered, a reply to any answers which may be filed.

(4) If the court shall require oral argument, the time for such argument will be subsequently fixed and the parties notified.

A TRUE COPY
FEB. 20, 1975
ATTEST
EMIL E. MELFI, JR., *Clerk*
by
S. WHITE, *Deputy*

APPENDIX C

[Filed April 30, 1975]

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

No. 75-1061

[Caption omitted in printing]

Order

Before: CHAMBERS and KOELSCH, Circuit Judges

Upon due consideration, the Court requests all parties to submit simultaneously further briefs on the effect on this case of the lapse of the Clemency Program within 21 days of the date of entry of this order. Upon the expiration of the 28 days from date, the petition goes to the regular weekly motions panel.

APPENDIX D

[Filed June 25, 1975]

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

No. 75-1061

[Caption omitted in printing]

Order

Before: GOODWIN and WALLACE, Circuit Judges

Upon due consideration, the writ of mandamus is granted and the district court is ordered to vacate its order of December 16, 1974.

/s/ ALFRED T. GOODWIN
/s/ J. CLIFFORD WALLACE
U. S. Circuit Judges

APPENDIX E

[Filed August 18, 1975]

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

No. 75-1061

[Caption omitted in printing]

Order

Before: GOODWIN and WALLACE, Circuit Judges.

The panel as constituted in the above case has voted to deny the petition for rehearing and to reject the suggestion for rehearing en banc.

The full court has been advised of the suggestion for en banc rehearing, and no judge of the court has requested a vote on the suggestion for rehearing en banc. Fed. R. App. P. 35(b).

The petition for rehearing is denied, and the suggestion for a rehearing en banc is rejected.

APPENDIX F

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

Cr. No. 12324
UNITED STATES v. KURT BOYER

Cr. No. 12350
UNITED STATES v. RENE CRISANTO LICHAUCO

Cr. No. 12391
UNITED STATES v. RUSSELL FRANKLIN BARNETT, JR.

Cr. No. 12415
UNITED STATES v. MICHAEL PAUL MEYER

Cr. No. 12560
UNITED STATES v. TRACY ALEXANDER ROTH

Cr. No. 12567
UNITED STATES v. WILLIAM MARK MCKENNA

Cr. No. 12666
UNITED STATES v. JEFFERY FRED CHOY HEE

Cr. No. 12814
UNITED STATES v. DAVID CASTLE WOOLLEY

Cr. No. 13062
UNITED STATES v. ROBERT WALLACE ALLEN

Cr. No. 13111
UNITED STATES v. WALLACE ISAMU AKUTAGAWA

Cr. No. 13115
UNITED STATES v. MITCHELL ANDREW MCCONNELL

Cr. No. 13263
UNITED STATES v. DAVID PAUL TURLEY

Cr. No. 13264
UNITED STATES v. THOMAS LEONARD BARTHEL, III

Cr. No. 74-115
UNITED STATES v. JOHN JOSEPH YIZNITSKY

Cr. No. 74-116
UNITED STATES v. JEFFERY ERNEST HEYNS

Memorandum and Order

In each of the above fifteen Selective Service cases pending before this Court, the defendants have been indicted

but the prosecutions have not gone forward because the defendants are allegedly fugitives. As a result of their status no defense counsel have been representing them. In view of current events this lack of legal representation may prejudice their positions.

The Court takes judicial notice of the fact that the President has announced and the Department of Justice and Department of Defense have implemented, an amnesty program that may affect the rights of these defendants and thousands of others who are similarly situated.

Accordingly, David Bettencourt, Esq., and John Edmunds, Esq., and Eric A. Seitz, Esq., members of the Bar of this Court who are experienced in matters relating to the Selective Service laws, are appointed to represent these defendants in connection with the charges pending against the defendants in the referenced criminal cass involving violations of 50 U.S.C. § 462. The appointed attorneys shall consult with the United States Attorney and report the status of each case to this Court on December 16, 1974, at 1:30 o'clock P.M.

The Clerk of this Court shall mail a copy of this Memorandum and Order to each defendant at his last known address. Correspondence from a defendant will be received; in the absence of a defendant his relative or next best friend will be heard on his behalf.

So ordered.

DATED: Honolulu, Hawaii. November 6, 1974.

/s/ (Illegible)
United States District Judge

/s/ SAMUEL P. KING
United States District Judge

APPENDIX G

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

[Caption omitted in printing]

Order Granting Motion for Discovery

Defendants' Motion for Discovery, having come on for hearing before this Court on December 16, 1974, the Court having heard arguments of counsel for the parties, and good cause appearing therefor

IT IS HEREBY ORDERED that said Motion is granted and the Office of the United States Attorney shall comply on or before January 3, 1975.

DATED: Honolulu, Hawaii, December 18, 1974.

/s/ SAMUEL P. KING
Judge Samuel P. King
Judge of the above-entitled Court